

# LAW LIBRARY JOURNAL

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## LOANING BOOKS FROM LAW LIBRARIES.

By G. E. WIRE, Worcester County Law Library, Worcester, Mass.

This is a problem, or question, for each individual and particular library to solve in its own way. Whether any books should go out, if so what classes of books, to whom and for how long, are all variable forms of the problem.

Law libraries by their nature are reference libraries; they exist by favor of the courts or legislatures as depositories of the law, or as proprietary institutions, are maintained by bar associations or by law schools. The essential feature of a law library is that of collection, and preservation of the law, not alone for the present, but also for the use of future generations. Consequently no hard and fast lines can be laid down, no library can dictate to another library, as to what it shall, or shall not do, and of course no library will criticise its neighbor for what it cannot, or does not do. Circumstances differ all along the line; one library may have more help than its sister and by, and for, that reason can, and does do differently. The larger and the smaller libraries are each a class unto themselves.

In this day and age of taking the books to the people, it would seem as if certain classes of books might be allowed to go out of a law library. In point of fact, most law libraries do allow circulation of certain classes of books and to certain classes of readers. The library which I have the honor to represent is one of a dozen county law libraries of the State of Massachusetts, supported by public funds, open to the public, and as such a public law library entitled to free book entry. The Worcester County Law Library, so far as I know, is the most generous of any of these county law libraries in the loan of books. We have more books in one single body to loan and more people to care for them.

*What classes of books go out?* All of the reports, United States, state, English, Irish and Scotch, except the one set of Massachusetts reports. Any of the documents, United States or state, all of the text books and cases, also law periodicals.

*What classes of books do not circulate?* Compilations, digests, cyclopaedias, and session laws.

*Who may take out books?* All judges, court and county officials, lawyers (about 400 in the county), and every citizen, the latter on recommendation.

*How long may they keep them?* The usual time as shown on the blank receipt card is four weeks, which means thirty days as the due stamp is set thirty days ahead except in case of February. They may renew them at the expiration of that time for another four weeks.

*How do we manage the overdue question?* The fine system to a large extent attends to that, five cents a day counts up fast.

*What happens when the Court wants a volume not in the library?* We get it in as soon as possible. This does not happen on an average once a month in our court season from November to June inclusive, and with from two to four courts in session.

There are out about fifty volumes at one time. The stock of text books is so large that little or no difficulty is experienced in satisfying readers. This library even does a large loan business with law students, who use our rooms also. Owing to the increased stringency of the Massachusetts bar examinations, there are only from two to four using the library at any one time where there were double that number a few years ago.

As far as this library is concerned I can recommend circulation of law books, but I do not recommend it indiscriminately and under all circumstances. It certainly works well in this one library. Of course it is but a small feature as the bulk of the work is purely reference work and hall use of books.

July 6, 1910.

### LOANING LAW BOOKS.

By HETTIE GRAY BAKER, Hartford Bar Library, Hartford, Conn.

The Hartford Bar Library is purely a reference library with the exception of a section called the Aaron White Collection. This is composed of books known as legal recreation, or better, collateral law books, and is established and supported by money left to the County Law Library by Aaron White, Esq., of New Boston, Connecticut, for books of this nature.

The Collection was organized in 1908, and has at present some three hundred and fifty titles, divided into the following classes:—Biography, Common Law and English institutions; Conduct of cases and lawyers' work; English constitutional and political history; Foreign constitutions and laws; International law; Judicial history; Jurisprudence; Roman law; Trials; United States—Constitutional and political history.

This Collection makes up our circulating department, which, though begun as an experiment, has fully justified itself. The attorneys appreciate very much the opportunity to take home for leisurely reading, books which, though outside the technical limits of text-books, assist them very materially in building a foundation of scholarship and culture. It almost invariably happens, as practice increases and the influence of the class-room becomes less, that lawyers grow into a rut of everyday routine and confine their legal reading to text books, reports and statutes. It was to help to counteract this that the Aaron White Collection was started and a steady circulation warrants us in feeling that this department of our library has as legitimate and useful a place as any of the more workaday sections.

The department is primarily for our Hartford County Lawyers, but is open to any citizen of the county on introduction by an attorney or if known to the librarian. I have been pleased to notice its use by debating clubs and young men preparing for law school.

Our charging system is simple, as befits our limited circulation. In the back of each book is pasted a small book pocket, on which are printed the rules. Into this pocket is put a book-card bearing the name of the author, title and class of the book. When a book is taken out the borrower writes his name and the day's date on the card and leaves it with the librarian, receiving in turn a slip telling him when the book is due. On this slip is also printed a brief sketch of Aaron White's life.

Each borrower may take two books at a time, and keep them two weeks. Books may be renewed once. We charge two cents for each day's use of

each book while it is overdue. These are the Public Library rules here, and I think it is best in a department of this character to follow the custom of the Public Library of the place.

I file the book-cards of books that are out in a tray with markers under the date when the book is due. When a book is overdue two days a postal is sent the borrower stating that fact and whether the book may be renewed or not. Books may be renewed by telephone.

We shall be very glad to be of any assistance we can to librarians wishing to start a similar collection.

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## AID FROM THE LIBRARY STAFF REASONABLY TO BE EXPECTED BY USERS OF A LAW LIBRARY.

By O. J. FIELD, Department of Justice, Washington, D. C.

The degree of assistance to be afforded the user of a law library by the librarian and his staff should be considered both from the standpoint of the librarian and the reader, and both should endeavor to be governed by a large amount of common sense and co-operation. There is no specific rule which would be applicable to all libraries and all cases, as the degree of assistance to be given must depend upon the exigencies of the particular case, the duty owed the reader, the importance of the research and other demands upon the librarian's time.

Possibly the question should be considered, at least to some extent, from the librarian's viewpoint, as he knows better than any one else how much help the different classes of readers need. Much depends, of course, upon the character and purpose of the library. Libraries such as are found in most of the law universities, established principally for the use of the students, are on a somewhat different footing from those established for the use of the experienced practitioner, such as are found in the Bar Associations. In the former the relation of librarian and reader very nearly assumes that of preceptor and student. The student, endeavoring to labor with books with which he is but slightly familiar, naturally looks to the librarian for instruction and suggestions regarding their intelligent use. In the latter instance, however, the practicing lawyer or judge, usually has a clear conception of what he wishes, and knows something of where it may be found, and in such cases, it is generally sufficient to give him the book requested, with suggestions regarding later editions, new publications, etc.

First of all we should remember that law libraries are strictly reference libraries, solely for the serious use of professional people. It is obvious that no fixed rule can be laid down. Some students or lawyers understand how to use the digest of law reports and the catalogues of a library better than others, and while the user of a law library has a right to expect such assistance from the librarian as will enable him to obtain promptly the cases and authorities sought, and a reference to any other source of information pertinent to the matter in hand, he should not expect a librarian or a member of the staff to serve him in the capacity of a law clerk or private secretary. He should not expect assistance from the librarian inconsistent with his other duties; neither has he the right to expect the librarian to give his time and attention to him to the neglect of others.

The law librarian is often asked where the desired information may be found, or in what book the matter is best treated, and the reader has, I think, the right to expect that the librarian will be able to help him.

In the matter of text books, many opportunities are afforded a well-informed law librarian to render assistance, and to make selections which may be a decided help to the reader.

It would be difficult to summarize all the ways in which the user of a law library has the right to be assisted by the librarian.

If the book called for is not in the library or is in use the same material may be in another volume and if so the reader has every right to be so advised.

The citations of cases are sometimes perplexing and the use of digest, catalogues and card indexes is not always understood, and the patron of a library has the right to expect that the librarian will make these matters clear to him.

Again, the user of a law library has the right to expect such aid from the librarian as is derived by his keeping in the closest touch with legal bibliography, especially legal periodicals, new text books, and other new and recent legal publications. The librarian is to the reader much as a physician is to a patient; the reader knows he wants something; he is seeking a way to remedy a wrong, of as much importance to his client as if a physician's remedy to his patient, and somewhat like a physician, the librarian listens to the reader's case and prescribes a course of treatment, consisting, however, of Abbott's Principles and Forms of Practice, the Century Digest, the Cyclopedia of Law and Procedure, The Supreme Court Reports, etc., instead of medicine and drugs, and the reader has the right to expect the librarian to aid him skillfully and expeditiously, just as much as the patient expects aid from his physician.

The user of a law library, or any library, for that matter, expects the librarian to be possessed of all manly and polite virtues and of untiring zeal for his work. He also expects that the librarian's force will be so organized and the collection of books so arranged as to enable him to be waited upon and to obtain the information he seeks, with the least possible delay and annoyance.

These are but a few of the many instances in which the user of a law library has a right to expect assistance from the librarian, but if the librarian is a person of ability and discernment he will often find the opportunity, and he should certainly always endeavor to give the readers more assistance than they have a mere right to expect.



## THE DUTY OF THE LIBRARIAN OF A UNIVERSITY LAW LIBRARY TOWARDS THE LIBRARY'S PATRONS

By A. H. R. FRASER, Cornell University Library, Syracuse, N. Y.

At the kind request of our esteemed president and indefatigable secretary-treasurer, the writer ventures a few suggestions for the consideration of the members of the American Association of Law Libraries, as to what, in the opinion of the writer, are some of the duties and usual attitude of the Librarians of university law libraries towards their patrons.

First of all, it is suggested that a university law library differs from all other law libraries in that it, like its parent the university, has been created by benefactors and endowed with "trust funds" for the advancement of legal science and the training of an innumerable company of persons, who by reason of broad training, knowledge, skill and experience, will be better equipped to accurately discern and estimate the legal and social complexities of their time, and secure for their clients the largest measure of liberty and the greatest protection of their rights the constitution and law allows.

As an aid in obtaining such results, the librarian should be a sentinel on the watch tower of knowledge, acute to scan the intellectual horizon, and be cognizant of all legal material published, reports, digests, texts, encyclopedias, periodicals, session laws, legislative material, monographs and pamphlets that seek to record the complete thought and achievement of legal science and practice, past and present, and be in virtue of his knowledge, skill and experience, able, so far as library funds permit, to select therefrom such books as the "Library Council" deem best fitted to advance library aims and methods. These secured they should be so classified, arranged and displayed on the library shelves, and so catalogued and indexed as to disclose their content to all inquirers with the minimum of effort.

For the purpose of this discussion, library patrons may be classified under five heads: (1) instructing staff; (2) regular law students; (3) professional users; (4) lay inquirers; (5) itinerant law writers.

(1) *Instructing staff.* The librarian's duty to the instructing staff is to make the library's resources completely available for their use, and to suggest possible repositories where lurking legal lore may be had. He should indicate clues to the labyrinth of knowledge, but the instructors must collect, classify, simplify, arrange and clearly present the legal materials that illustrate judicial methods and results. In most law schools, and at Cornell, professors give students courses of instructions in the use of law books, the collection, classification and arrangement of legal matter, the preparation of briefs, the drafting of legal instruments and the varied work of the practicing lawyer.

(2) *Regular students.* The regular matriculated student by compliance with conditions, and the payment of fees, demands and should receive from the university law librarian a greater degree of knowledge, skill, care and attention than is given to other library patrons. The librarian should teach them the actual use of books as guides to knowledge, reiterate the various sources of legal theories with their applications, aid in the solution of their minor difficulties, show them how to meet class room requirements and be and continue their general legal advisor during their residence. The professors instruct them largely collectively, while the librarian has more opportunities to aid them individually.

(3) *Professional users.* The librarian should treat the visiting lawyer as an officer of the court engaged in the pursuit of justice and the application of practical legal theories to definite states of fact. He should show all possible sources of authority that will advance his clients' interests. Securing his confidence, the librarian would do well to interest him in jurisprudence, the broader view of legal science, enlarging his vision, and maturing and enriching his judgment. The lawyer so guided is quite likely to take a more intellectual interest and just pride in his calling, and seek to advance its study by intellectual and financial aid.

(4) *Lay inquirers.* The librarian must always remember that his library enjoys many benefits from the public, such as exemption from taxation, and the right to the importation of knowledge free of custom charges. He should therefore seek to advance the knowledge of all inquirers by directing them to the particular books where their queries may be answered and also explain to them the difference between the lawyer's and the layman's point of view, and do his best to show them the relative spheres, rights, duties and privileges of persons and things as recognized by the constitution, laws and courts of various countries. The layman, thus aided, is likely to go on his way rejoicing that his country possesses such an institution that seeks to advance his intellectual and material interests, and so gladly contribute to their upbuilding and support.

(5) *The itinerant law writer.* The librarian should consider that the itinerant law writer is a fellow worker striving as best he can to attain like ends, the enlightenment and service of his fellows. The library resources should be placed largely at his service, subject only to the paramount rights of the classes for whom it primarily exists. The librarian should aid in the explanation of his minor perplexities, but should not be called upon to collect his material, advise as to its form, and suggest its content. That is the function of his enterprising publishers and his reviewing editor.

The five classes should receive intelligent consideration and courteous treatment at our hands. Thus relieved, strengthened and encouraged, grateful that they have available sources where their torches may be kindled, and their knowledge replenished and enlarged as they toil onward, they will continue simplifying and surmounting the complex difficulties of their time.